



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/542,109

03/31/2000

Peter J. Kight

3350-31G

4187

29052

7590

05/30/2006

SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

GARG, YOGESH C

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,109

Applicant(s)

KIGHT ET AL.

Examiner

Yogesh C. Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/13/2006 Interview summary on 5/3/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,39,40,42-44,47,48,50-53,55,56 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36,39,40,42-44,47,48,50-53,55,56 and 58-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>5/25/2006</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/13/2006</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/13/2006 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 3/13/2006 was filed after the mailing date of the Notice of Allowance on 12/27/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

3. Claims 36, 39, 40, 42, 43-44, 47-48, 50-53, 55-56, 58-61, as filed in the amendment on 9/26/2005 are currently pending for examination.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 36, 39, 40, 42, 43-44, 47-48, 50-53, 55-56, 58-61 are rejected under 35 U.S.C. 102(b) as being anticipated by the Statement of Mr. Mark Johnson, dated July 25, 199 on or earlier received in the IDS on 3/13/2006.

Regarding claim 36, Johnson teaches a method for processing consumer banking information (see pages 2-3), comprising:

storing a plurality of routing numbers associated with a plurality of financial institutions in a financial institutions file, receiving a routing number and an account number associated with a financial institution at which a consumer maintains a deposit account, and comparing the received routing number to the stored plurality of routing numbers in the financial institutions file to verify accuracy of the received routing number, and modifying the received routing number or account number to generate a modified routing number or a modified account number, wherein the comparing is performed by a computer (see pages 2, line 14-page 3, line 25, " *In particular, and a financial institution database stored information related to financial institutions.In order to use the CheckFree bill payment service, a consumer would initially enroll by filling out and submitting a paper enrollment form containing personal information, such as the consumer's name and address. A consumer was also asked to provide CheckFree with a voided check associated with the consumer's demand deposit*

Art Unit: 3625

account (e.g., the consumer's checking account) that the bill payment service would use to make payments to merchants. a CheckFree data entry clerk had to input the consumer's information to set up the consumer in the consumer database. Additionally, the data entry clerk would identify and input the financial institution routing transit number and demand deposit account number from the consumer-supplied voided check.....After the entry of the consumer-supplied information, the CheckFree bill payment service would validate consumer bill payment account information and determine whether the account could be debited electronically through the Federal Reserve's Automated Clearinghouse (ACH) system.If validation of the consumer bill payment account failed, then the consumer could not use the CheckFree bill payment service until the consumer bill payment account information was corrected, which would not occur until a data entry clerk made the correction, as the service was unable to automatically correct errors. After validation, a consumer database entry for the consumer bill payment account could be modified to indicate whether the account was electronically accessible. " . Note: Modifying the consumer's account after validation corresponds to editing the received routing number or account number in the financial database/file so that the bill payment service could be implemented. Further, the validation and data entry to modify the information is done to a financial database it would be inherent using a computer to validate and modify the data related to the user's account including the routing or account number.)

Regarding claim 39, Johnson teaches that the method of claim 36, further comprising: entering the received routing number and wherein the comparison also verifies that the received routing number is entered correctly (see at least pages 2, line 24- page 3, line 25." *Additionally, the data entry clerk would identify and input the financial institution routing transit number and demand deposit account number from the consumer-supplied voided check...After the entry of the consumer-supplied information, the CheckFree bill payment service would validate consumer bill payment account informationIf validation of the consumer bill payment account*

failed, then the consumer could not use the CheckFree bill payment service until the consumer bill payment account information was corrected, ". Note: Validation of consumer bill payment account information included verifying that the received routing number is entered correctly so that bill payment service could be implemented).

Regarding claim 40, Johnson teaches that the method of claim 36, further comprising: receiving a request to pay a bill associated with a merchant on behalf of the consumer (see at least page 4, paragraph 4, "*..The CheckFree bill payment service would collect consumer payment requests from multiple consumers...*");

determining if the consumer financial institution accepts electronic fund transfers based on the received routing number or the modified routing number; and generating an instruction to pay the bill by electronic fund transfer from the consumer deposit account if the consumer financial institution is determined to accept electronic fund transfers (see page 3, "*After the entry of the consumer-supplied information, the CheckFree bill payment service would validate consumer bill payment account information and determine whether the account could be debited electronically through the Federal Reserve's Automated Clearinghouse (ACH) system. This was done to ensure that the consumer bill payment account could be used by the bill payment service in electronic payment transactions, which in turn impacted the service's method of paying merchants in response to a consumer payment request, as is described in greater detail below. The determination of whether a consumer bill payment account could be debited electronically was accomplished using the financial institution database, which stored financial institution routing transit numbers and information associated with consumer bill payment account numbers. If validation of the consumer bill payment account failed, then the consumer could not use the CheckFree bill payment service until the consumer bill payment account information was corrected, which would not occur until a*

Art Unit: 3625

data entry clerk made the correction, as the service was unable to automatically correct errors. On the other hand, if the consumer bill payment account was confirmed to be valid and electronically accessible through the ACH, an electronic pre-note message was triggered through the ACH against the consumer bill payment account. The prenote message informed the financial institution that CheckFree was authorized by the consumer to debit the account through the ACH. After validation, a consumer database entry for the consumer bill payment account could be modified to indicate whether the account was electronically accessible. "

Regarding claims 42-44, 47-48, 50-53, 55-56 and 58-61, their limitations are closely parallel to the limitations of claims 36 and 39-40 and are therefore analyzed and rejected on the basis of same rationale.

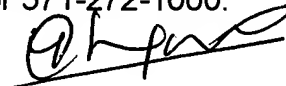
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
5/25/2006